

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

US LPA RECORDS CENTER REGION 5



516844

In re:)	Chapter 11
)	
Eagle-Picher Holdings, Inc., et al.,)	Jointly Administered
)	Case No. 05-12601
Debtors.)	
)	Judge Jeffrey P. Hopkins.

EPMC HOLDINGS CORPORATION'S MOTION TO CONTINUE HEARING DATE

NOW COMES EPMC Holdings Corporation ("EPMC"), pursuant to 11 U.S.C. §105 and this Court's Policies and Procedures, through this motion (the "*Motion*") respectfully requests that the Court continue the evidentiary hearing on the *Motion by William L. West, Custodial Trustee of the EP Custodial Trust to Enter Order Amending Custodial Trust and Provide for a Transfer of the Sum of \$100,000 From the Hillsdale Trust Account to the Administration Trust Account of the EP Custodial Trust ("Motion to Transfer")* (ECF No. 3553). The hearing is currently scheduled for July 7, 2015 at 9:00 a.m. (ECF No. 3555).

EPMC seeks a 30 day continuance of this hearing date to (i) initiate formal discovery to obtain all documents related to the *Motion to Transfer* that have not been provided through its continued attempts to obtain informal discovery since the Motion to Transfer was filed and, (2) to provide a reasonable amount of time for its environmental consultant to review the documents obtained through discovery in advance of a hearing on the Motion to Transfer.

Last Wednesday, June 17, 2015, after repeated informal discovery requests made to the Trustee on April 4, 2015 and June 12, 2014 and to USEPA on June 8, 2015 and June 12, 2015, EPMC received certain documents through MDEQ. The *Motion to Transfer* and EPMC's objection to it relate to the environmental remediation of a property and the status of that remediation dating back ten years. EPMC has expeditiously reviewed these documents, many of

which are of a highly technical nature, and has determined that it needs to obtain both complete information and an environmental consultant's evaluation to be able to prepare for the hearing.

EPMC has engaged an environmental consultant, Paul Harper, in anticipation of the evidentiary hearing on the *Motion to Transfer*. If the instant *Motion* is not granted, Mr. Harper has indicated that he will not have adequate time to review and analyze the recently provided information or an opportunity to review all relevant information prior to a hearing, which is critical to EPMC's objection to the *Motion to Transfer*. If the continuance is not granted, EPMC will be prejudiced in its ability to present its objection to the *Motion to Transfer*.

Pursuant to applicable local rules, EPMC has consulted with counsel for MDEQ, USEPA, and the Trustee about this motion via e-mail on June 26, 2015 and during a telephone conference and e-mail exchange on June 29, 2015. The Trustee, MDEQ, and USEPA indicated that they are amenable to a short continuance only, and would only agree to a new hearing date if it occurred on July 23, 24, 29 or 30, 2015. Trustee, MDEQ and USEPA indicated that they would object to a continuance of the current hearing date if it did not accommodate their proposed dates. However, as addressed above, EPMC requests a 30 day continuance in order to allow its consultant to adequately assess the recently provided information.

WHEREFORE, pursuant to 11 U.S.C. §105 and this Court's Policies and Procedures, EPMC requests that the Court issue an Order continue the hearing date for 30 days, and for further and other relief as the Court deems just.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
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In re:)	Chapter 11
)	
Eagle-Picher Holdings, Inc., et al.,)	Jointly Administered
)	Case No. 05-12601
Debtors.)	
)	Judge Jeffrey P. Hopkins.

**ORDER GRANTING EPMC HOLDINGS CORPORATION'S MOTION TO CONTINUE
HEARING DATE**

This matter is before the Court on *EPMC Holdings Corporation's Motion to Continue Hearing Date*, requesting that this Court extend the evidentiary hearing date of July 7, 2015 set forth in the May 12, 2015 Order. (ECF No. 3555); and the Court finding that (i) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §157 and 1334; (ii) this a core proceeding pursuant to 28 U.S.C. §157(b)(2), (iii) venue is proper pursuant to 28 U.S.C. §1408 and 1409; (iv) terms not otherwise defined herein shall have the meaning ascribed to them in the *Motion*; and (v) notice of the filing of the *Motion* being adequate and appropriate under the circumstances and in compliance with applicable Federal Rule of Bankruptcy Procedures and the Local Rules of this Court, and the Court having been fully advised of the premises and having determined that the legal and factual basis set forth in the *Motion* establish cause for the relief granted herein, now therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. The *Motion* is GRANTED and all objections are OVERRULED.
2. The hearing date of July 7, 2015 on the *Motion by William L. West, Custodial Trustee of the EP Custodial Trust to Enter Order Amending Custodial Trust and Provide for a Transfer of the Sum of \$100,000 From the Hillsdale Trust Account*

Dated: June 30, 2015

Respectfully submitted,

FROST BROWN TODD LLC

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to the Administration Trust Account of the EP Custodial Trust ("Motion to Transfer")(ECF No. 3553) is continued until_____, _____, at _____.

3. This Court shall retain jurisdiction as to all matters related to the interpretation and implementation of this Order.

5. The entry of this Agreed order is without prejudice to the rights of the parties to seek a further extension of the hearing date should the need arise.

6. This Order shall be effective immediately upon entry.

IT IS SO ORDERED.

June_____, 2015

Hon. Jeffrey P. Hopkins

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing *EPMC Holding Corporation's Motion to Continue Hearing Date* was served on all parties receiving ECF Noticing in this chapter 11 case and via regular mail to those parties listed below on this 30th day of June, 2015.

/s/ Paige L. Ellerman

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